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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,908	11/30/2000	Yueh-shian T. Chi	5199/Consilium/MBE	9774

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Patent Counsel, MS/2061
Legal Affairs Department
Applied Materials, Inc.
P.O. Box 450A
Santa Clara, CA 95052

EXAMINER

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,908

Applicant(s)

CHI ET AL.

Examiner

Stephan F Willett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 67-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 67-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/8/04; 8/11/04; 3/29/04; 12/19/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of Group II in Paper filed 7/28/04 is acknowledged.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 67 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The "pre-selected portions" is unclear. Thus, it is assumed for examination purposes that the pre-selected portions are from the message.
3. Claims 79, 81-82 recites the limitation "the configuration information" instead of a configuration information. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103□
and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speakman et al. with Patent Number 6,389,475 in view of Shima et al. with Patent Number 5,835,922.

4. Regarding claim(s) 67, Speakman teaches forwarding data based on the data's content. Speakman teaches a publisher to create a message having subject information, col. 3, lines 27-28. Speakman teaches a server configured to forward the message based on the subject information, col. 4, lines 4-6, 16-20. Speakman teaches the invention in the above claim(s) except for explicitly teaching generating subject information based on selected portions. In that Speakman operates to forward data, the artisan would have looked to the data routing arts for details of implementing data routing specifics. In that art, Shima, a related network adapter, teaches an "the reader selects a desired item therefrom", col. 15, lines 34-36 in order to provide appropriate titles. Shima specifically teaches "candidate words are generated for a title", col. 15, lines 50-61. Further, Shima suggests "meanings are obtained ... accordingly to extract contexts", col. 15, lines 12-14 which will result from implementing word generating means. The motivation to incorporate title generation insures that data is properly catalogued. Thus, it would have been obvious to one of ordinary skill in the art to incorporate title suggestions as taught in Shima into

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the data forwarding system described in the Speakman patent because Speakman operates based on subject content and Shima suggests that optimization can be obtained by generating subject information. Therefore, by the above rational, the above claim(s) are rejected.

5. Claims 68-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speakman et al. with Patent Number 6,389,475 in view of Shima et al. with Patent Number 5,835,922 and Tatsumi with Patent Number 5,200,028.

6. Regarding claim(s) 68, Speakman teaches forwarding data based on the data's content. Speakman teaches a publisher to create a message having subject information, col. 3, lines 27-28. Speakman teaches a server configured to forward the message based on the subject information, col. 4, lines 4-6, 16-20. Speakman teaches the invention in the above claim(s) except for explicitly teaching generating subject information based on selected portions and their application to semiconductor manufacturing in an assembly line. In that Speakman operates to forward data, the artisan would have looked to the data routing arts for details of implementing data routing specifics. In that art, Shima, a related network adapter, teaches an "the reader selects a desired item therefrom", col. 15, lines 34-36 in order to provide appropriate titles. Shima specifically teaches "candidate words are generated for a title", col. 15, lines 50-61. Further, Shima suggests "meanings are obtained ... accordingly to extract contexts", col. 15, lines 12-14 which will result from implementing word generating means. The motivation to incorporate title generation insures that data is properly catalogued. Thus, it would have been obvious to one of ordinary skill in the art to incorporate title suggestions as taught in Shima into the data forwarding system described in the Speakman patent because Speakman operates based on subject content and Shima suggests that optimization can be obtained by generating subject

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information. Speakman and Shima teaches the invention in the above claim(s) except for explicitly teaching the application to semiconductor manufacturing in an assembly line. In that Speakman and Shima operates to forward data, the artisan would have looked to the manufacture arts for details of implementing data routing specifics. In that art, Tatsumi, a related network manufacturer, teaches “performance evaluation”, col. 5, line 37 in order to provide assembly. Tatsumi specifically teaches “manufacture of semiconductors”, col. 1, lines 11-12. The motivation to incorporate semiconductor manufacturing insures that data can be used in diverse settings. Thus, it would have been obvious to one of ordinary skill in the art to incorporate semiconductor manufacturing as taught in Tatsumi into the data forwarding system described in the Speakman and Shima patents because Speakman and Shima operates based on subject content and Tatsumi suggests that optimization can be obtained in semiconductor manufacturing. Therefore, by the above rational, the above claim(s) are rejected.

7. Regarding claim(s) 69, Tatsumi teaches an etcher to layer substrate, col. 1, line 10.
8. Regarding claim(s) 70, Tatsumi teaches a depositor to layer substrate, col. 1, line 8.
9. Regarding claim(s) 71, Speakman teaches a controller computer, col. 3, line 8.
10. Regarding claim(s) 72, 76, Speakman teaches a command or “responsive” based on a message or request and registration or request, col. 4, lines 33-36.
11. Regarding claim(s) 73, Speakman teaches guaranteeing or providing delivery of messages, col. 5, lines 3-7.
12. Regarding claim(s) 74-75, Shima teaches appending a changeable subject information, col. 15, lines 56-61.
13. Regarding claim(s) 77-78, Shima teaches desires stored in memory, col. 10, line 60.

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14. Regarding claim(s) 79, 81-82, Speakman teaches viewing data's many subject elements and their parts or portions, col. 2, lines 48-50.

15. Regarding claim(s) 80, Shima teaches variable names and types, col. 15, lines 56-61.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. A close review of the Cohn reference with Patent Number 6,606,652 is suggested. The other references cited teach numerous other ways to forward messages and create titles, thus a close review of them is suggested.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571) 272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on 571-272-4225. The fax phone number for the organization where this application or proceeding is assigned is 571-273-0044.


7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

sfw

November 29, 2004

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RUPAL DHARIA
SUPERVISORY PATENT EXAMINER